

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

KENNETH TELFAIR NEWSOME, II,

Plaintiff,

vs.

WILLIAM TERRY, et al.,

Defendants.

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5:07-cv-327 (CAR)

***ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is a Report and Recommendation (Doc. 48) from United States Magistrate Judge Claude W. Hicks, Jr., which recommends granting Defendants' Motion to Dismiss (Doc. 20). Plaintiff has subsequently filed an Objection, and pursuant to 28 U.S.C. § 636(b)(1), the Court has made a de novo determination of the portions of the Recommendation to which Plaintiff objects.

In this case, Plaintiff alleges that the Defendants violated his constitutional rights by refusing to allow him to photocopy certain legal documents. As fully explained by Judge Hicks, to establish a claim based on denial of access to the courts, a plaintiff must provide evidence that a defendant's actions impeded the inmate's pursuit of a non-frivolous action. Although Plaintiff here states that he was unable to defeat a motion for summary judgment in two cases and has not been successful in challenging his underlying conviction and sentence, Plaintiff has failed to show how being denied access to make photocopies affected these decisions. As such, the Recommendation (Doc. 48) is **ACCEPTED**, Defendants' Motion to Dismiss (Doc. 20) is **GRANTED**, and Plaintiff's claims are **DISMISSED**.

SO ORDERED, this 9th day of September, 2008.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

SCS/ssh